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Letter dated 29 December 2000 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan, containing an account of the Committee's activities since its establishment in October 1999. The present report, which was adopted by the Committee on 28 December 2000, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Arnoldo M. **Listre**
Chairman
Security Council Committee established
pursuant to resolution 1267 (1999) concerning Afghanistan

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Annex

Report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan

I. Introduction

1. The Security Council, reiterating its deep concern over the continuing violations of international humanitarian law and of human rights, the capture by the Taliban of the Consulate General of the Islamic Republic of Iran and the murder of Iranian diplomats and a journalist in Mazar-e-Sharif, the continuing use of Afghan territory, especially areas controlled by the Taliban for the sheltering and training of terrorists and planning of terrorist attacks, the fact that the Taliban continues to provide safe haven to Usama bin Laden and to allow him and others associated with him to operate a network of terrorist training camps from Taliban-controlled territory and to use Afghanistan as a base from which to sponsor international operation terrorists and the failure of the Taliban authorities to respond to the demands in paragraph 13 of resolution 1214 (1998) of 8 December 1998, which constitutes a threat to international peace and security, adopted resolution 1267 (1999) on 15 October 1999, in paragraph 2 of which it demanded the turnover of Usama bin Laden to appropriate authorities. Since that condition was not met by 14 November 1999, the Security Council imposed, as per paragraphs 4 (a) and (b) of that resolution, a flight ban on any aircraft owned, leased or operated by or on behalf of the Taliban, as well as the freezing of funds directly or indirectly owned or controlled by the Taliban.

2. By paragraph 6 of resolution 1267 (1999), the Security Council established a Committee consisting of all members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States further information regarding the action taken by them with a view to effectively implementing the measures imposed under paragraph 4 of the resolution;

(b) To consider information brought to its attention by States concerning violations of the measures imposed by paragraph 4 and to recommend appropriate measures in response thereto;

(c) To make periodic reports to the Council on the impact, including the humanitarian implications, of the measures imposed by paragraph 4;

(d) To make periodic reports to the Council on information submitted to it regarding alleged violations of the measures imposed by paragraph 4, identifying where possible persons or entities reported to be engaged in such violations;

(e) To designate the aircraft and funds or other financial resources referred to in paragraph 4 in order to facilitate the implementation of the measures imposed by that paragraph;

(f) To consider requests for exemptions from the measures imposed by paragraph 4 as provided in that paragraph, and to decide on the granting of an exemption to these measures in respect of the payment by the International Air Transport Association (IATA) to the aeronautical authority of Afghanistan on behalf of international airlines for air traffic control services;

(g) To examine the reports submitted pursuant to paragraph 9 of the resolution.

3. It should be noted that no Chairman was elected during 1999.

4. With reference to paragraph 4 (b) of the note by the President of the Security Council dated 30 October 1998 (S/1998/1016), and following consultations among the members of the Security Council under the no-objection procedure, the members of the Security Council agreed to elect the bureau for 2000, which consisted of Ambassador Arnoldo Manuel Listre (Argentina) as Chairman, with the delegations of Mali and Ukraine providing the two Vice-Chairmen (S/2000/27).

5. Reaffirming its previous resolutions, in particular resolution 1267 (1999), the Security Council, on 19 December 2000, adopted resolution 1333 (2000), in which it decided that all States shall: prevent the direct or indirect supply, sale and transfer to the territory of Afghanistan under Taliban control of arms and related materiel of all types of weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts; prevent the direct or

indirect sale, supply and transfer to the territory of Afghanistan under Taliban control of technical advice, assistance or training related to the military activities of the armed personnel under the control of the Taliban; and withdraw any of their officials, agents, advisers and military personnel employed by contract or other arrangement present in Afghanistan to advise the Taliban on military or related security matters, and urge other nationals to leave the country. It also decided that all States shall take further measures to: close immediately and completely all Taliban offices in their territories; close immediately all offices of Ariana Afghan Airlines in their territories; and freeze without delay funds and other financial assets of Usama bin Laden and individuals and entities associated with him. Furthermore, it decided that all States are required to deny any aircraft permission to take off from, land in or over-fly their territories if that aircraft has taken off from or is destined to land at a place in the territory of Afghanistan designated by the Committee as being under Taliban control, unless the particular flight has been approved in advance by the Committee on the grounds of humanitarian need or on the grounds that the flight promotes discussion of a peaceful resolution of the conflict in Afghanistan, or is likely to promote Taliban compliance with relevant resolutions. The above measures shall come into force one month after the date of the adoption of the resolution.

6. The Committee adopted the present report on 28 December 2000. The purpose of the report is to present a factual summary of the Committee's activities since its establishment in October 1999 until 28 December 2000, in accordance with the transparency measures outlined by the President of the Security Council in his note of 29 March 1995 (S/1995/234). During this period the Committee held two meetings and 13 informal consultations of the members of the Committee at the expert level.

II. Work of the Committee

A. Background information

7. On 22 December 1999, the Committee issued a press release containing a list of aircraft owned, leased or operated by or on behalf of the Taliban, in accordance with paragraphs 4 (a) and 6 (e) of resolution 1267 (1999). On 10 February 2000, an additional aircraft was added to the list (SC/6806). The list will be revised as necessary. Furthermore, the Committee also encouraged Member States to bring to its attention any information they may have concerning aircraft that do not appear on the aforementioned list.

8. In paragraph 10 of resolution 1267 (1999), all States were requested to report to the Committee established by paragraph 6 of the resolution, within 30 days of the coming into force of the measures imposed by paragraph 4 of the resolution, on the steps they had taken with a view to effectively implementing that paragraph. In this connection, a note verbale was sent to all States by the Chairman on 19 January 2000 drawing their attention in particular to the provisions under paragraph 4 of resolution 1267 (1999) and requesting information on the steps they had taken to give effect to those provisions. On 4 April 2000, the Chairman issued a report on measures taken by States in the implementation of paragraph 4 of resolution 1267 (1999) (S/2000/282). An addendum to the above report was issued on 31 August 2000 (S/2000/282/Add.1). Subsequently, a reply was received from Germany (S/AC.37/2000/71).

9. In accordance with paragraphs 4 (b) and 6 (e) of resolution 1267 (1999), the Committee, on 12 April 2000, by a note verbale addressed to all States, designated funds and other financial resources to be frozen. In this regard Member States are to report to the Committee on steps they take with a view to effectively implementing paragraph 4 of resolution 1267 (1999), as well as which entities and/or persons in their territories have been identified as falling under such designated funds and other financial resources. The content of the note verbale was also issued as a press release on 13 April 2000. On 24 October and 20 November 2000, the Committee issued additional press releases, identifying financial entities that fall under the aforementioned provisions of resolution 1267 (1999).

10. On 14 April 2000, the Chairman circulated a note by the Secretariat containing recommendations, in accordance with paragraph 12 of resolution 1267 (1999), for improving the monitoring of the implementation of the measures imposed by paragraph 4 of that resolution, for the Committee's consideration and action as appropriate. In this connection, it should be noted that the International Civil Aviation Organization (ICAO) and the International Air Transport Association (IATA) expressed their willingness to undertake technical missions with a view of assisting the Committee in its work.

11. Informal consultations of the members of the Afghanistan Sanctions Committee were convened, at the expert level, on 12 December 2000 to exchange views between members of the Committee and the representatives of the Department of Political Affairs (on behalf of the United Nations Special Mission to Afghanistan (UNSMA)) and the Office for the Coordination of Humanitarian Affairs on assessment of the impact of current sanctions. Subsequently, on 13 December 2000, the Chairman of the Committee, in accordance with paragraph 6 (c) of resolution 1267 (1999), briefed Council members, during consultations of the whole on the issue of Afghanistan, on the discussion that had taken place at the aforementioned Committee meeting.

B. Summary of activities of the Committee

1. Guidelines of the Committee

12. The guidelines of the Committee for the conduct of its work were initially considered at informal consultations of the members of the Committee, at the expert level, and subsequently adopted on 1 February 2000, under the no-objection procedure. These guidelines were transmitted by the Chairman to all States, international organizations and the specialized agencies by a note verbale on 4 February 2000.

2. Flights

13. During the reporting period, the Committee approved 11 humanitarian flights. The Committee has approved all requests of a humanitarian nature.

14. On 4 February 2000, the Committee authorized, pursuant to the provisions of paragraph 4 (a) of Security Council resolution 1267 (1999), and in accordance with paragraph 6 of the guidelines of the Committee for the conduct of its work, a request by the Taliban for 90 return trips in two phases (first phase 9 February to 9 March 2000; second phase 25 March to 23 April 2000) for Ariana Afghan Airlines to transport 12,000 Afghan pilgrims to perform the hajj, from Kabul and Kandhar, Afghanistan, to Jeddah, Saudi Arabia, with a stop over for refuelling at Sharjah, United Arab Emirates. The Committee agreed to the above, on the following conditions: that any change of the flight schedule and/or change of aircraft must be communicated to the Committee for its approval and that any unauthorized stop over(s) would be likely to jeopardize future flights. The Committee also stressed the importance of the implementation of its guidelines which, inter alia, provide that the aircraft must be inspected to ensure that it is operating exclusively for the declared humanitarian purposes (i.e. no additional passengers and/or cargo at stop over point and destination) and in accordance with the relevant provisions of Security Council resolution 1267 (1999). Accordingly, inspections took place at Sharjah and at Jeddah on the outbound and return flights, in both phases of the operation, with the participation of United Nations officials, as well as the authorities of the United Arab Emirates and Saudi Arabia, respectively.

15. Due to unforeseen circumstances, on 24 February 2000 the Taliban requested the Committee's authorization for 10 return trips (from 1 to 10 March 2000) for Air Gulf Falcon of Sharjah (operating on behalf of Ariana Afghan Airlines) to transport Afghan pilgrims to perform the hajj, from Kandhar to Jeddah, with no stop over. The flights were approved by the Committee on 25 February 2000. Furthermore, the monitoring/inspection of the flights was conducted under the same conditions established for Ariana Afghan Airlines during the first and second phase of the previously approved hajj operation.

16. On 1 March 2000, the Committee authorized the return flight of a hijacked Ariana Afghan Airlines aeroplane from London (United Kingdom of Great Britain and Northern Ireland) to Kabul (Afghanistan) with a stop over in Samara (Russian Federation) to refuel.

17. On 1 December 2000, the Committee issued a press release reaffirming the Committee's procedures regarding requests for humanitarian flights.

18. On 5 December 2000, pursuant to paragraphs 4 (b) and 6 (f) of resolution 1267 (1999), the Committee granted an exemption to the aforementioned measures in respect of payment by IATA to the aeronautical authority of Afghanistan (Ministry of Civil Aviation and Tourism), on behalf of international airlines for air traffic control services. The above authorization was subject to the following procedures: (a) representatives of IATA and ICAO will conduct a survey of the facilities of the Ministry of Civil Aviation and Tourism every two months and will report back to the Committee with their findings, including copies of financial transactions between escrow accounts; and (b) the Ministry of Civil Aviation

and Tourism will provide the Committee, through IATA, with a report, including available accounting information, on the uses to which the funds have been put.

19. On 15 December 2000, the Committee authorized a request from ICAO for an exemption to paragraph 4 (b) of resolution 1267 (1999), to unfreeze a specific amount of funds from the Civil Aviation Purchasing Service account for Afghanistan with ICAO, and additional funds to be transferred from the overflight charges collected by IATA on behalf of the Ministry of Civil Aviation and Tourism, for aeronautical communications equipment, back-up communications equipment, certain air traffic control tower equipment and aviation security equipment. ICAO considers this equipment essential for the safe operation of the humanitarian and hajj flights, as well as the safety and efficiency of international flights overflying the Kabul flight information region. ICAO is to report to the Committee on the delivery as well as the installation of the above equipment.

20. On 28 December 2000, the Committee issued a note verbale requesting all States to submit to the Committee, for its consideration, lists of organizations and governmental relief agencies providing humanitarian assistance to Afghanistan pursuant to paragraph 12 of resolution 1333 (2000). Also on that date, the Committee issued a press release stating that it was working on a list of organizations and governmental relief agencies providing humanitarian assistance to Afghanistan that would be exempt from the prohibition imposed by paragraph 11 of resolution 1333 (2000), as mandated by paragraph 12 of that resolution. The Committee also reiterated that the existing procedures relating to paragraph 4 (a) of resolution 1267 (1999) and exemptions on the grounds of humanitarian need thereof would remain in effect until the measures imposed by resolution 1333 (2000) come into force.

III. Conclusions and observations

21. The Committee reaffirms its commitment to continue working closely with the Secretary-General and the relevant bodies of the Secretariat, including the Office for the Coordination of Humanitarian Affairs, with a view to carrying out the tasks entrusted to it by the Security Council.

22. The Committee wishes to express its appreciation for the consistent support and cooperation it has received from Members States, international organizations, including IATA and ICAO, and the United Nations Secretariat in its establishment and ongoing work.